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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LOFTIN, CELESTE

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,607	<b>Applicant(s)</b> BAZZICA, PAOLO	
	<b>Examiner</b> Celeste L. Loftin	<b>Art Unit</b> 2617	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,6, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fostick et al. (Fostick), **US Publication 2003/0083934**.

Regarding claim 1, Fostick discloses a method for changing the service Level for a subscriber in an electronic communication network, comprising the steps of:

creating a flexible voucher list (FVL) associated with the subscriber and comprising a sequence of voucher records for one or more services, wherein each record comprises a quantity of vouchers and a voucher type identification parameter for association with the one or more services (the API enables voucher vendors to register vouchers with the system, the vouchers have been entered into the system which may be connected to the VS that lists the vouchers and the

voucher data, the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the name of the subscriber) (**pg. 3 paragraph [0051],pg. 2 paragraph [0037]**), and

associating said sequence of records with a subscriber for usage by said subscriber when utilizing said one or more services (the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the service it represents, optionally the name of the recipient) (**pg. 3 paragraph [0051],pg. 2 paragraph [0037]**).

Regarding claim 6, Fostick discloses the method according to claim 1, wherein said voucher records is arranged in a list associated with said subscriber (the API enables voucher vendors to register vouchers with the system, the vouchers have been entered into the system which may be connected to the VS that lists the vouchers and the voucher data, the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the name of the subscriber) (**pg. 3 paragraph [0051],pg. 2 paragraph [0037]**).

Regarding claim 13, Fostick discloses a method for changing the service Level for a subscriber in an electronic communication network, comprising the steps of:

means creating a flexible voucher list (FVL) associated with the subscriber and comprising a sequence of voucher records for one or more services, wherein each record comprises a quantity of vouchers and a voucher type identification parameter for association with the one or more services (the API enables voucher vendors to register vouchers with the system, the vouchers have been entered

into the system which may be connected to the VS that lists the vouchers and the voucher data, the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the name of the subscriber) (pg. 3 paragraph [0051],pg. 2 paragraph [0037]), and

means associating said sequence of records with a subscriber for usage by said subscriber when utilizing said one or more services (the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the service it represents, optionally the name of the recipient) (pg. 3 paragraph [0051],pg. 2 paragraph [0037]).

Regarding claim 18, Fostick disclose the system according to claim 13, but fails to disclose wherein said voucher records are arranged in a list associate with said subscriber (the API enables voucher vendors to register vouchers with the system, the vouchers have been entered into the system which may be connected to the VS that lists the vouchers and the voucher data, the database stores for each voucher and identity (ID) (i.e. quantity), the service it represents, optionally the discount, optionally the name of the subscriber) (pg. 3 paragraph [0051],pg. 2 paragraph [0037]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,3,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fostick et al. (Fostick), **US Publication 2003/0083934** in view of, Whale, **US Publication 2003/0046171**.

Regarding claim 2, Fostick discloses the method according to claim 1, but fails to disclose further comprising the steps of:

creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service usage, further comprising a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to said fee for a particular service.

In a similar field of endeavor, Whale creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service usage (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (**pg. 4 paragraphs [0052]-[0056]**), further comprising a voucher type identification (i.e. usage column) and a voucher quantity (discount), specifying the type and the quantity of vouchers corresponding to said fee for a particular service (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (**pg. 4 paragraph [0052]-[0049]**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Fostick to include creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service usage, further comprising a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to said fee for a particular service. Motivation for this modification would have been provide a variation in the type of communication gadget, such as a computer or pc, which could be used to communicate discounts or voucher records.

Regarding claim 3, Fostick discloses he method according to claim 1, but fails to disclose further comprising the steps of:

creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to the rate for said interval.

In a similar field of endeavor, Whale discloses creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (pg. 4 paragraphs [0052]-

**[0056])**, specifying the type (i.e. usage) and the quantity(i.e. discount) of vouchers corresponding to the rate for said interval (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) **(pg. 4 paragraph [0052]-[0049])**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Fostick to include creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to the rate for said interval. Motivation for this modification would have been provide a variation in the type of communication gadget, such as a computer or pc, which could be used to communicate discounts or voucher records.

Regarding claim 14, Fostick discloses the method according to claim 13, but fails to disclose further comprising the steps of:

means creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service usage, and a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to said fee for a particular service.

In a similar field of endeavor, Whale means creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service



usage (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (pg. 4 paragraphs [0052]-[0056]) , and a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to said fee for a particular service (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (pg. 4 paragraph [0052]-[0049]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Fostick to include means creating one or more rating records in a rating structure for storage of a fee measured in units to be charged for service usage, and a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to said fee for a particular service. Motivation for this modification would have been provide a variation in the type of communication gadget, such as a computer or pc, which could be used to communicate discounts or voucher records.

Regarding claim 15, Fostick discloses he method according to claim 13, but fails to disclose further comprising the steps of:

means for creating one or more rating records in a rating structure for storage of an amount

or rate of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to the rate for said interval.

In a similar field of endeavor, Whale discloses means for creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (**pg. 4 paragraphs [0052]-[0056]**), specifying the type (i.e. usage) and the quantity (i.e. discount) of vouchers corresponding to the rate for said interval (if there is a value of 5,000 in the usage column a value of 5% in the discount column and a value of 95.00 in the price column, this indicates that if a customer prints 5,000-9,999 pages per month with a vendor's components, the customer receives a 5% discount on a toner cartridge) (**pg. 4 paragraph [0052]-[0049]**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Fostick to include means for creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted in order to rate an interval and a charging interval to be rated, a voucher type identification and a voucher quantity, specifying the type and the quantity of vouchers corresponding to the rate for said interval. Motivation for this modification would have been provide a

variation in the type of communication gadget, such as a computer or pc, which could be used to communicate discounts or voucher records.

6. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fostick et al. (Fostick), **US Publication 2003/0083934** in view of, Ahola et al. (Ahola), **Publication WO9918713**.

Regarding claim 7, Fostick discloses the method according to claim 1, but fails to disclose wherein said voucher records has an expiry date (the vouchers may have a predefined expiry date) **(page 16 lines 10-12)**.

In a similar field of endeavor, Ahola discloses wherein said voucher records has an expiry date (the vouchers may have a predefined expiry date) **(page 16 lines 10-12)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Fostick to include wherein said voucher records has an expiry date. Motivation for this modification would have been provide a duration for which the vendor decides to base pricing incentives.

Regarding claim 19, Fostick discloses the system according to claim 13, but fails to disclose wherein said voucher records have an expiry date.

In a similar field of endeavor, Ahola discloses wherein said voucher records have an expiry date (the vouchers may have a predefined expiry date) **(page 16 lines 10-12)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Fostick to include wherein said voucher records has an expiry date.

Motivation for this modification would have been provide a duration for which the vendor decides to base pricing incentives.

7. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fostick et al. (Fostick), **US Publication 2003/0083934** in view of, Rand et al. (Rand), **Publication WO0139092**.

Regarding claim 10, Fostick discloses the method according to claim 1, but fails to disclose wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value.

In a similar field of endeavor, Rand discloses said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value (reads on the types of fees could be as fee units based on various factors such as type, content or additional fees) (**page 9 lines 16-27**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Fostick to include wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 22, Fostick discloses the method according to claim 13, but fails to disclose wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value.

In a similar field of endeavor, Rand discloses said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value (reads on the

types of fees could be as fee units based on various factors such as type, content or additional fees) (**page 9 lines 16-27**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Fostick to include wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

8. Claim 4, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fostick et al. (Fostick), **US Publication 2003/0083934** in view of, Whale, **US Publication 2003/0046171**, in further view of Ahola et al. (Ahola), **Publication WO9918713**.

Regarding claim 4, the combination discloses the method according to claim 2, but fails to disclose further comprising the steps of:

- receiving an incoming charging request from a service element,
- analyzing said rating structure for said charging request,
- if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request,
- if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user,
- decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service.

In a similar field of endeavor, Ahola discloses receiving an incoming charging request from a service element (when a call is placed and the balance exceeds a certain threshold value a message is sent to the caller asking him/her to load additional money to the user account) **(page 14 lines 18-25)**

analyzing said rating structure for said charging request (the service may ask for a voucher number and if it is invalid or non existing the user will be allowed to input the number again) **(page 14 lines 35-37 page 15 lines 6-15),**

if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request (the service asks for the voucher number and if the number inputted is correct the service converts the desired amount to the units used by the prepayment service) **(page 14 lines 35-37 page 15 lines 6-15),**

if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user (the service asks for the voucher number and if the number inputted is incorrect or invalid after a cert predefined number of attempts the user account will be blocked (making it unavailable to the user)) **(page 14 lines 35-37 page 15 lines 6-15),**

decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service (if the voucher number is correct then the amount in used units such as pulses is reduced from the voucher account and correspondingly added to the actual user account) **(page 14 lines 35-37 page 15 lines 6-15).**

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include receiving an incoming charging request from a service element, analyzing said rating structure for said charging request, if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request, if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user, decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service. Motivation for this modification would have been distribute sales of different services though different communication outlets.

Regarding claim 16, the combination of Fostick and Whale discloses the system to claim 14, but fails to disclose further comprising:

means for receiving an incoming charging request from a service element ,  
means for analysing said rating structure for said charging request,  
if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request,

if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user,

means for decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service.

In a similar field of endeavor, Ahola discloses means for receiving an incoming charging request from a service element (when a call is placed and the balance exceeds a certain threshold value a message is sent to the caller asking him/her to load additional money to the user account) **(page 14 lines 18-25)**

means for analysing said rating structure for said charging request (the service may ask for a voucher number and if it is invalid or non existing the user will be allowed to input the number again) **(page 14 lines 35-37 page 15 lines 6-15),**

if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request (the service asks for the voucher number and if the number inputted is correct the service converts the desired amount to the units used by the prepayment service) **(page 14 lines 35-37 page 15 lines 6-15),**

if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user (the service asks for the voucher number and if the number inputted is incorrect or invalid after a cert predefined number of attempts the user account will be blocked (making it unavailable to the user)) **(page 14 lines 35-37 page 15 lines 6-15),**

means for decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service (if the voucher number is correct then the amount in used units such as pulses is reduced from the voucher account and correspondingly added to the actual user account) **(page 14 lines 35-37 page 15 lines 6-15).**



At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include means for receiving an incoming charging request from a service element, means for analysing said rating structure for said charging request, if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request, if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user, means for decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service. Motivation for this modification would have been distribute sales of different services though different communication outlets.

9. Claims 5, 8-9, 17, and 20-21 are under 35 U.S.C. 103(a) as being unpatentable over Fostick et al. (Fostick), **US Publication 2003/0083934** in view of, Whale, **US Publication 2003/0046171**, in further view of Rand et al. (Rand), **Publication WO0139092**.

Regarding claim 5, the combination of Fostick and Whale discloses the method according to claim 3, but fails to disclose wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers.

In similar endeavor, Rand discloses wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers

(in one embodiment the positive value fee is calculated based on the number of minutes the media is played (a percentage)) **(page 10 lines 10-16)**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination Fostick and Whale to include wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 8, the combination of Fostick ,Whale, and Rand discloses the method according to claim 5 Rand further discloses wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available (the calculation for the fee for viewing the media maybe based on a fixed fee accrued on a time interval by time interval or frame segment by frame segment basis or by a variable fee based on the content of the media) **(page 10 10-25)**, the voucher record or unit of payment is selected for decrease according to said priority order (if the user or subscriber fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) **(page 11 lines 12-16 and 25-34)**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination of Fostick and Whale to include wherein, if a

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priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available, the voucher record or unit of payment is selected for decrease according to said priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 9, the combination of Fostick ,Whale, and Rand discloses the method according to claim 8. Rand further discloses wherein said priority order is modified by the subscriber (if the subscriber (fees are base on the actions of the subscriber) fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) **(page 11 lines 12-16 and 19-34).**

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination of Fostick and Whale to include wherein said the subscriber modifies priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 17, the combination of Fostick and Whale discloses the method according to claim 15, but fails to discloses wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers.

In similar endeavor, Rand discloses wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers (in one embodiment the positive value fee is calculated based on the number of minutes the media is played (a percentage)) **(page 10 lines 10-16)**.

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 20, the combination of Fostick ,Whale, and Rand discloses the method according to claim 17. Rand further discloses wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available (the calculation for the fee for viewing the media maybe based on a fixed fee accrued on a time interval by time interval or frame segment by frame segment basis or by a variable fee based on the content of the media) **(page 10 10-25)**, the voucher record or unit of payment is selected for decrease according to said priority order (if the user or subscriber fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was

viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) **(page 11 lines 12-16 and 25-34).**

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination of Fostick and Whale to include wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available, the voucher record or unit of payment is selected for decrease according to said priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 21, the combination of Fostick ,Whale, and Rand discloses the method according to claim 19. Rand further discloses wherein said priority order is modified by the subscriber (if the subscriber (fees are base on the actions of the subscriber) fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) **(page 11 lines 12-16 and 19-34).**

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify the combination of Fostick and Whale to include wherein said the subscriber modifies priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CL

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER